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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/955,197  
Filing Date: September 19, 2001  
Appellant(s): MITSUGI, TATSUYA

\_\_\_\_\_  
Richard Anderson  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/9/2007 appealing from the Office action mailed 6/12/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

20020032785	Britt, JR
6,925,595	Whitledge et al
2002/0113817	AAPA

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,7-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britt, JR ("Britt", US 2002/0032785) in view of Whitledge et al ("Whitledge", 6925595).

As per independent claim 1, Britt discloses a communication network system that can provide contents information for users by way of a communication network, said system comprising: a contents server disposed as a source of information, for storing contents information (Figure 3 item 130); one or more portal servers, responsive to a request which a user makes through communication terminal equipment, for transmitting contents information to the communication terminal equipment (Figure 3 item 110); and a conversion/ formatting server disposed between said contents server and said portal server ([0034] lines 1-10), for converting contents information which said conversion/formatting server has acquired from said contents server into contents information in a predetermined format ([0034] lines 1-10), formatting the contents information in the predetermined format into contents information suitable for display on

the communication terminal equipment ([0035] lines 7-11) in response to a request from said portal server, and transmitting the formatted contents information to said portal server (Figure 3 item 920; *wherein the system described in Figure 3 employs a single server, however alternative embodiments may include numerous different servers i.e. conversion server*). However, since Britt failed to explicitly state a conversion server, Whitledge teaches converting contents information for which a conversion/formatting server has acquired from said contents server into exchangeable contents information in a predetermined format (Figure 7), storing the exchangeable contents information in a memory formatting the exchangeable contents information stored in said memory in the predetermined format into displayable contents suitable for display on the communication terminal equipment in response to a requesting client (Column 14 lines 46-55). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Britt with the individual network device of Whitledge. Motivation to do so would have been to quicken response time by adding another server and allowing the servers to work as a multiprocessing system.

As per claim 2, which is dependent on claim 1, the modified Britt discloses a system wherein in response to a request for information browsing which a user makes through communication terminal equipment, said portal server provides an instruction for transmission of information to be browsed for said conversion/formatting server (Whitledge, Column 8 lines 37-50), and said conversion/formatting server, in response to the information transmitter instruction from said portal server, converts contents information stored in said contents server into contents information in the predetermined

format which can be browsed (Britt, [0037] lines 1-6) and stores it therein , and formats the contents information in the predetermined format into contents information suitable for display on the communication terminal equipment (Britt, [0035] lines 7-11) and transmits the formatted contents information to said portal server (Whitledge, Column 8 lines 19-50, wherein the portal sever is the requesting device).

As per claim 3, which is dependent on claim 2, the modified Britt discloses a system wherein in response to a request for information retrieval which a user makes through communication terminal equipment, said portal server provides an instruction for information retrieval for said conversion/formatting server (Whitledge, Column 8 lines 37-50), and said conversion/formatting server, in response to the information retrieval instruction from said portal server, retrieves desired contents information in the predetermined format which is stored therein (Fukasawa, Column 5 lines 13-15), and formats the desired contents information in the predetermined format into contents information suitable for display on the communication terminal equipment (Britt, [0035] lines 1-11, Whitledge, Column 8 lines 37-50) and transmits the formatted contents information to said portal server (Whitledge, Column 8 lines 19-50, wherein the portal sever is the requesting device).

As per claim 4, which is dependent on claim 1, the modified Britt discloses a system wherein in response to a request for performance of a predetermined process which a user makes through communication terminal equipment, said portal server provides an instruction for the performance of the predetermined process for said conversion/formatting server (Whitledge, Column 14 lines 46-55), and said conversion/

formatting server, in response to the instruction for the performance of the predetermined process from said portal server, converts contents information which is stored in said contents server into contents information which corresponds to the instruction for the performance of the predetermined process (Whitledge, Column 8 lines 37-50), and formats the resultant contents information into contents information suitable for display on the communication terminal equipment (Britt, [0035] lines 7-11, Whitledge, Column 8 lines 37-50) and transmits the formatted contents information to said portal server (Whitledge, Column 8 lines 19-50, wherein the portal sever is the requesting device).

As per claim 5, which is dependent on claim 1, the modified Britt discloses a system wherein in response to a request for performance of a predetermined process which a user makes through communication terminal equipment, said portal server provides an instruction for the performance of the predetermined process for said conversion/formatting server (Whitledge, Column 8 lines 37-50), and said conversion/formatting server, in response to the instruction for the performance of the predetermined process from said portal server, converts contents information which is stored in said contents server into contents information which corresponds to the instruction for the performance of the predetermined process (Whitledge, Column 8 lines 37-50), stores the resultant contents information therein (Whitledge, Column 14 lines 46-55), and formats the resultant contents information into contents information suitable for display on the communication terminal equipment (Britt, [0035] lines 7-11, Whitledge, Column 8 lines 37-50) and directly transmits the formatted contents

information to the communication terminal equipment according to event information added to the instruction for the performance of the predetermined process (Whitledge, Column 8 lines 19-50, wherein the client is the requesting device).

As per claim 7, which is dependent on claim 1, the modified Britt discloses a system wherein said conversion/formatting server performs a formatting process of formatting the contents information in the predetermined format into contents information which can be displayed on the communication terminal equipment (Britt, [0035] lines 7-11), and transmits the formatted contents information to said portal server (Whitledge, Column 14 lines 46-55).

As per claim 8, which is dependent on claim 7, the modified Britt discloses a system wherein the formatting process performed by said conversion/ formatting server is a process of executing an application (Britt, Figure 3 item 920) that defines a display format in which the communication terminal equipment can display the contents information in the predetermined format (Britt, [0035] lines 7-11).

As per claim 9, which is dependent on claim 1, the modified Britt discloses a system wherein said communication network is the Internet (Britt, Figure 3 items 940, 941).

As per claim 10, which is dependent on claim 1, the modified Britt discloses a system wherein said communication network is a radio communication network (Britt, [0034] lines 1-6).

As per claim 11, which is dependent on claim 1, the modified Britt did not explicitly state a wired network. However, Official notice is taken that wired



communication network is well known in the art. While the modified Britt teaches a wireless network it is merely a design choice to choose between a wireless and wired connection. Each choice has its advantages/disadvantages, however the results of the communication system in this instance remain the same. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Britt with the current teaching. Motivation to so do would have been create a possible faster, more reliable network.

As per claim 13, which is dependent on claim 1, the modified Britt discloses a system wherein said portal server transmits and receives contents information from itself to the communication terminal equipment and vice versa by performing a Web processing (Britt, Figure 3 items 940, 941).

3. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britt, JR ("Britt", US 2002/0032785) in view of Whitledge et al ("Whitledge", 6925595) in further view of applicant's admitted prior art ("aapa", US#2002/0113817).

As per claim 6, which is dependent on claim 1, the modified Britt discloses a system wherein said conversion/formatting server performs a formatting process so as to generate application data which defines a display format (Whitledge, Column 8 lines 19-50) in which the communication terminal equipment can display contents information in the predetermined format transmitted thereto (Whitledge, Column 8 lines 19-50). The modified Britt fails to distinctly point out transmitting both the application data and

information contents to the server. However, aapa teaches a system wherein the application data is transmitted to the portal server as well as the contents information in the predetermined format ([0009] lines 10-17). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified system of Britt with the teaching of aapa. Motivation to do so would have been to provide the server with adequate information to check the format if needed.

As per claim 12, which is dependent on claim 1, the modified Britt fails to distinctly point out communication through email. However, aapa teaches a system wherein the portal server transmits and receives contents information from itself to the communication terminal equipment and vice versa by using E-mail ([0004] lines 10-13). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified system of Britt with the teaching of aapa. Motivation to do so would have been to provide an organized secure way of sending and receiving information by way of the Internet.

#### **(10) Response to Argument**

The Appellant argues that the combination of Britt and Whitledge fail to teach three distinct servers, a content server, portal server, and a conversion formatting server. The Appellant concedes that Britt teaches an all purpose server which Britt calls a portal server (Page 9 line 9, Appeal Brief), and also admits that Whitledge teaches a content server (Page 11 lines 8-9). The Examiner agrees with the Appellant that Britt teaches a conversion module which is included within each portal server and performs the conversion of data. Britt, like the Appellant, recognizes the advantages of separate servers and even discloses that it would have been apparent to practice the invention with numerous servers instead of a single server (Britt [0051]). Knowing that Britt does not expressly teach a separate conversion server, one skilled in the art would have been motivated to utilize a separate server based on the suggestions of Britt. Nevertheless, the Appellant argues that Whitledge teaches a content server, which also performs an operation of converting data. Specifically stating "the content converter can also be integral to proxy server". However, the Examiner asserts that Whitledge is relied upon to teach a separate conversion/formatting server, while it may be an integral part it does not have to be. It is evident from Column 14 lines 29-46 that this is true, specifically by showing the content server separate from the conversion/formatting server. See also Column 6 lines 32-61.

Applicants also argue the motivation stating that there is no motivation present to separate the portal server of Britt into numerous different servers despite the suggestion in the reference and that one of ordinary skill in the art would not modify the system in this way by any means. However, it can also be found in Whitledge that it is known in

Art Unit: 2174

the art, that is not uncommon to separate or combine software components with a combination of hardware components as long as the end result is the same (Whitledge, Column 6 lines 32-61). Therefore, the Examiner has set forth a prima facie case of obviousness and one of ordinary skill in the art at the time of the invention would have been motivation to combine these teachings.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2174

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Pitaro

Art Unit 2174

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